

Audra L. Thompson (SBN 218479)  
DUANE MORRIS LLP  
865 S. Figueroa St., Suite 3100  
Los Angeles, CA 90017-5450  
Telephone: (213) 689-7400  
Facsimile: (213) 689-7401  
E-mail: AThompson@duanemorris.com

Gregory P. Gulia (*prospective pro hac vice*)  
Vanessa C. Hew (*prospective pro hac vice*)  
DUANE MORRIS LLP  
1540 Broadway  
New York, New York 10036-4086  
Telephone: (212) 692-1000  
Facsimile: (212) 692-1020  
E-mail: GPGulia@duanemorris.com  
VCHew@duanemorris.com

Attorneys for Plaintiff  
Conopco, Inc. d/b/a Unilever

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CONOPCO, INC. d/b/a UNILEVER

Plaintiff,

v.

P.E. RUBALOFF CO., INC., KAREN  
RUBALOFF and PHILLIP RUBALOFF

Defendants.

CV 12-10591 PJW  
Case No.

COMPLAINT AND JURY  
DEMAND

Plaintiff, Unilever, Inc. d/b/a Unilever, by its undersigned attorneys, Duane Morris LLP, for its Complaint alleges as follows:

SUBSTANCE OF THE ACTION

1. This is an action for trademark counterfeiting, trademark infringement, trademark dilution and unfair competition with respect to Plaintiff's federally registered and famous DOVE® trademark. Plaintiff brings this action based on Defendants' unauthorized importation, distribution, offering for sale and/or selling of

COMPLAINT AND JURY DEMAND

1 products bearing the DOVE® trademarks, which are not intended for sale in the  
2 United States and are materially different from the authentic goods that are authorized  
3 by Plaintiff for sale in the United States market (hereinafter “Unilever Gray Goods”)  
4 and that violate Plaintiff’s longstanding and extensive rights in the use of its famous  
5 DOVE® trademarks (collectively, the “DOVE® Mark”) in connection with beauty,  
6 skin care and other personal care products. This is an action for federal trademark  
7 counterfeiting, federal trademark infringement, trademark dilution and unfair  
8 competition under Sections 32(1), 43(c) and 43(a) of the Trademark Act of 1946 (the  
9 “Lanham Act”), 15 U.S.C. §§ 1114(1), 1125(c) and 1125(a), and for substantial and  
10 related claims of unfair competition and dilution under the state and common laws of  
11 the State of California.

#### 12 JURISDICTION AND VENUE

13 2. This Court has jurisdiction under Section 39 of the Lanham Act, 15  
14 U.S.C. §§ 1121, 1338(a) and 1338(b) of the Judicial Code, 28 U.S.C. § 1338(a) and §  
15 1338(b), and under principles of supplemental jurisdiction. Venue properly lies in this  
16 District under Sections 1391(b) and (c) of the Judicial Code, 28 U.S.C. § 1391(b) and  
17 § 1391(c), because Defendants P.E. Rubaloff Co., Inc. a/k/a Soap Man (“P.E.  
18 Rubaloff”), Karen Rubaloff and Phillip Rubaloff do business in and/or have  
19 substantial contacts with and/or may be found in the Central District of California, and  
20 a substantial portion of the events at issue have arisen and/or will arise in this judicial  
21 district. (Defendants P.E. Rubaloff, Karen Rubaloff and Phillip Rubaloff are  
22 hereinafter referred to collectively as “Defendants.”)

23 3. Upon information and belief, Defendants market, distribute, supply and  
24 sell Unauthorized Products (as defined hereinafter) through third-party distributors  
25 and retailers, throughout the United States, including but not limited to, in the state of  
26 California.

27 4. Defendants should reasonably expect their infringing activities to have  
28 consequences in the state of California, and derive substantial revenue from interstate

1 commerce. In addition, Defendants are all residents of the State of California and  
2 operate their business and import, distribute and sell the products at issue in this  
3 litigation in the State of California. Defendants may reasonably anticipate being  
4 brought into a California court.

5 5. This Court has personal jurisdiction over Defendants because, upon  
6 information and belief, they reside and operate their business in the State of California  
7 and purposefully availed themselves of the laws of California by actively controlling  
8 and/or directing, in whole or in part, the infringing activities and operations  
9 complained of herein.

10 6. Upon information and belief, Defendants Karen Rubaloff and Phillip  
11 Rubaloff are the active and conscious force in the company P.E. Rubaloff Co., Inc.,  
12 which distributes infringing products throughout the United States, including in the  
13 state of California, Nevada and Arizona. Furthermore, Defendants Karen Rubaloff  
14 and Phillip Rubaloff benefit from and control the infringing activity.

15 7. Defendants Karen Rubaloff and Phillip Rubaloff have availed themselves  
16 of the benefits of doing business in California, such that Defendants Karen Rubaloff  
17 and Phillip Rubaloff may reasonably anticipate being brought into a California court.

18 8. The amount in controversy exceeds the sum of \$75,000, exclusive of  
19 interest and costs.

#### 20 PARTIES

21 9. Plaintiff, Conopco, Inc. d/b/a Unilever ("Unilever") is a corporation duly  
22 organized and existing under the laws of New York with offices at 800 Sylvan  
23 Avenue, Englewood Cliffs, New Jersey 07632. Unilever is the owner of numerous  
24 federal trademark registrations for the DOVE® Mark for retail skin care and other  
25 beauty care products including a full line of facial cleansers, moisturizers, cleansing  
26 cloths, toilet bars, body washes, lotions, hair shampoos, conditioners and styling aids,  
27 as well as deodorants and antiperspirants.



10. Upon information and belief, Defendant P.E. Rubaloff Co., Inc. d/b/a Soap Man ("P.E. Rubaloff Co."), is a corporation duly organized and existing under the laws of California, having its principal place of business at 11 Saddle Road, Rancho Palos Verdes, CA 90275.

11. Upon information and belief, Defendant Karen Rubaloff is the co-owner of P.E. Rubaloff Co. and controls and/or directs, in whole or in part, the activities and operations of P.E. Rubaloff Co., including those activities and operations complained of herein. Upon information and belief, Defendant Karen Rubaloff maintains a residential address at 11 Saddle Road, Rancho Palos Verdes, CA 90275. Upon information and belief, Ms. Rubaloff also operates P.E. Rubaloff Co. from this address.

12. Upon information and belief, Defendant Phillip Rubaloff is the co-owner and registered agent of P.E. Rubaloff Co. and controls and/or directs, in whole or in part, the activities and operations of P.E. Rubaloff Co., including those activities and operations complained of herein. Upon information and belief, Defendant Phillip Rubaloff maintains a residential address at 11 Saddle Road, Rancho Palos Verdes, CA 90275. Upon information and belief, Mr. Rubaloff also operates P.E. Rubaloff Co. from this address.



### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**



#### **A. Plaintiff's Activities**

13. Plaintiff is the leading manufacturer, distributor and seller of beauty, skin care and personal care products such as facial cleansers, moisturizers, cleansing cloths, toilet bars, body washes, lotions, shampoos, conditioners, hair styling aids, deodorants and antiperspirants. Plaintiff distributes and sells its beauty, skin care and personal care products under the famous DOVE® brand through a variety of trade channels including drugstores, superstores, supermarkets and online retailers such as Amazon.com and Drugstore.com.

14. Plaintiff and its predecessors have sold beauty, skin care and personal care products under the DOVE® Mark continuously in interstate commerce since at least as early as 1945. The famous DOVE® Mark has appeared on product packaging and promotional and advertising materials, and other materials.

15. Plaintiff is the owner of the following federal trademark registrations on the Principal Register of the United States Patent and Trademark Office for the DOVE® Mark for a vast and diverse assortment of skin and other beauty care products, nine of which are incontestable by operation of law:

Mark	Registration Number	Registration Date	Goods and Services
 DOVE & Design	1,698,261	June 30, 1992	beauty wash; namely, liquid soaps
DOVE	1,699,679	July 7, 1992	beauty wash; namely, liquid soaps
DOVE	2,052,770	April 15, 1997	toilet bar soap
DOVE	2,413,151	December 12, 2000	deodorant and antiperspirant
 DOVE & Design	2,517,212	December 11, 2001	beauty bar soap
DOVE	2,534,236	January 29, 2002	beauty bar soap

Mark	Registration Number	Registration Date	Goods and Services
	2,570,018	May 14, 2002	non-medicated towelettes impregnated with skin cleansers
DOVE	2,610,422	August 20, 2002	pre-moistened non-medicated cosmetic towelettes for all over body freshening
DOVE	2,764,807	September 16, 2003	non-medicated towelettes impregnated with skin cleansers
DOVE	2,803,161	January 6, 2004	facial skin moisturizers, [facial skin toner,] facial cleansers and non-medicated cleansing pads impregnated with skin cleansers
	2,817,975	February 24, 2004	non-medicated disposable cloths impregnated with cleansers for body cleansing

Mark	Registration Number	Registration Date	Goods and Services
DOVE	3,052,892	January 31, 2006	hair care products namely, hair spray, hair gel, styling cream, anti-frizz cream and mousse

As mentioned above, these registrations are incontestable and serve as conclusive evidence of Plaintiff's exclusive right to use the marks on the goods cited therein. Copies of the Certificates of Registration are attached hereto as Exhibit 1 and are incorporated herein by reference.

16. As a result of Plaintiff's marketing and promotional efforts, Plaintiff's DOVE® brand products are currently available and sold to consumers throughout this District, this State and the United States. The DOVE® brand products are also currently available and sold to consumers in many other countries throughout the world by Plaintiff and its affiliated companies.

17. Over the years, the volume of sales of goods under the DOVE® Mark has been enormous. Plaintiff's DOVE® brand beauty, skin care and personal care products are always among the largest selling brands for these products in the United States. In recent years, sales of DOVE® brand beauty, skin care and personal care products have generated millions of dollars in revenue.

18. Plaintiff continuously and extensively advertises and promotes its DOVE® skin and beauty care products in practically all media in the U.S. including television, print, radio and Internet.

19. Plaintiff maintains a website at the domain name address [www.dove.us](http://www.dove.us) to advertise and promote its DOVE® brand products and provide product information. Print-outs from Plaintiff's web site located at [www.dove.us](http://www.dove.us), featuring the DOVE®



1 brand beauty, skin care and personal care products are attached hereto as Exhibit 2  
2 and are incorporated herein by reference.

3 20. As a result of this time and effort, extensive promotion and advertising,  
4 and substantial sums spent developing and marketing Plaintiff's DOVE® brand  
5 products, the DOVE® Mark has acquired and maintained an outstanding celebrity and  
6 fame symbolizing the substantial and material good will that Plaintiff has created for  
7 the DOVE® Mark throughout the United States.

8 21. Because of the extensive promotion and use of Plaintiff's DOVE® Mark,  
9 Plaintiff's DOVE® Mark has acquired enormous value and secondary meaning.  
10 Plaintiff's DOVE® Mark has become extremely well-known to the consuming public  
11 and trade as identifying and distinguishing Plaintiff's DOVE® brand beauty, skin care  
12 and personal care products from those of its competitors.

13 22. Plaintiff has invested significant amounts of time and effort and  
14 considerable financial resources over the years to maintain the highly regarded image  
15 of its DOVE® beauty care products and control the quality of its goods. As a result of  
16 these activities, Plaintiff enjoys a reputation as a manufacturer and distributor of the  
17 highest quality goods so that when consumers see the DOVE® Mark, they recognize  
18 that the beauty care products sold under the DOVE® Mark will be of the highest  
19 quality. As a result of these efforts, sales of Plaintiff's beauty care products sold  
20 under the DOVE® Mark have been enormous and the DOVE® Mark is exceedingly  
21 famous and symbolizes and represents an enormous amount of goodwill of Unilever.

22 **B. Defendants' Violation of Plaintiff's Intellectual Property and Unfair**  
23 **Competition**

24 23. Upon information and belief, Defendants are wholesale retailers of  
25 cleaning products, including but not limited to, bar soap, cleaning aids such as  
26 sponges, pot and pan cleaners, bath care items and dish towels.

27 24. Defendants import, distribute, offer for sale and/or sell unauthorized gray  
28 market beauty care products bearing the DOVE® trademarks, such as DOVE®



1 Beauty Cream Bars and DOVE® Pink Beauty Cream Bars, which are not intended for  
2 sale in the United States (hereinafter, collectively the “Unauthorized Products”) and  
3 which violate Plaintiff’s longstanding and exclusive intellectual property rights in the  
4 use of its famous DOVE® Mark in connection with beauty, skin care and other  
5 personal care products, such as the DOVE® Beauty Bar, in the United States.

6 25. The Unauthorized Products sold by Defendants are products produced  
7 and sold by a Unilever company outside of the United States. The Unauthorized  
8 Products are not authorized for distribution or sale in the United States and the  
9 products are materially different from genuine DOVE® brand products sold by  
10 Unilever in the United States.

11 26. Upon information and belief, most of the Unauthorized Products are  
12 manufactured in foreign countries.

13 27. Upon information and belief, most of the Unauthorized Products target  
14 non-American customers through tropical formulations and higher perfume  
15 concentration.

16 28. Upon information and belief, the Unauthorized Products materially differ  
17 from those DOVE® brand products authorized by Unilever to be sold in the United  
18 States in, inter alia, one or more of the following ways: (1) packaging for the  
19 Unauthorized Products fails to comply with the Food and Drug Administration’s  
20 labeling requirements; (2) Defendants’ packaging for the Unauthorized Products  
21 displays Defendants’ universal product code (“UPC”) labels and conceals Plaintiffs’  
22 UPC codes printed on the packs; (3) Defendants’ packaging for the Unauthorized  
23 Products displays a label identifying the products as “DOVE BAR SOAP” and as a  
24 “Product of Germany”; (4) the Unauthorized Products are improperly repackaged and  
25 relabeled for sale in multi-packs that Unilever does not offer for sale in the United  
26 States; and (5) packaging for the Unauthorized Products displays languages other than  
27 English.  
28

1           29. More specifically, the product packaging of the Unauthorized Products  
2 mislabels the Unauthorized Products as "DOVE BAR SOAP," which is inappropriate  
3 and misleading since DOVE® Beauty Bars and DOVE® Cream Bars are not  
4 considered soap products under the Food and Drug Administration's guidelines and  
5 do not meet the standard for such products in the United States.

6           30. Moreover, the Unauthorized Products' labels neither display the "1-  
7 800" customer service telephone number used to provide purchasers of U.S.  
8 DOVE® brand products with a means to contact Unilever regarding the event that  
9 a problem arises with a product, nor the State and ZIP code of a manufacturer or  
10 distributor of the Unauthorized Products in the United States. Because of these  
11 deficiencies, consumers will not be able to readily contact Unilever if question or  
12 problem arises concerning Unauthorized Products.

13           31. Furthermore, the Unauthorized Products do not display any repackaging  
14 notice stating that the trademarked product has been repackaged, that the re-packager  
15 is wholly separate and distinct from the original manufacturer; and providing  
16 consumers with the name of the re-packager.

17           32. Upon information and belief, the sale of the Unauthorized Products is at a  
18 lower price point than the DOVE® Products intended for sale in the United States  
19 Market.

20           33. Upon information and belief, Defendants have acquired and acquire the  
21 Unauthorized Products in bulk.

22           34. Upon information and belief, the Unauthorized Products are Defendants'  
23 best sellers.

24           35. Upon information and belief, Defendants market, distribute and sell the  
25 Infringing Unauthorized Products through third-party distributors and retailers,  
26 including but not limited to, grocery stores and supermarket chains in the United  
27 States market.  
28

1        36. Defendants have adopted, commenced use of and are using and planning  
2 to market, promote, advertise and sell the Unauthorized Products with the intent and  
3 purpose of trading on the extensive good will built up by Plaintiff in its federally  
4 registered and exclusive DOVE® Mark by selling the Unauthorized Products for a  
5 fraction of the price charged by Unilever for its genuine DOVE® products which are  
6 authorized for sale in the United States. Defendants' acts are designed and intended to  
7 unfairly compete with Plaintiff and to reap the benefits of years of effort and  
8 investment by Plaintiff to create public recognition of the Plaintiff's DOVE® Mark  
9 and the products sold in connection therewith.

10        37. Despite having knowledge of Plaintiff's exclusive rights to the DOVE®  
11 Mark in connection with beauty, skin care and personal care products, Defendants  
12 encroached upon Plaintiff's exclusive rights in the DOVE® Mark for beauty, skin  
13 care and personal care products and willfully violated Plaintiff's intellectual property  
14 rights through the importation, distribution, offering for sale and/or sale of the  
15 Unauthorized Products.

16        38. Defendants' conduct is intentionally fraudulent, malicious, willful and  
17 wanton.

18        39. Defendants' acts of imitation have been committed with knowledge that  
19 such imitation is intended to be used to cause confusion, or to cause mistake, or to  
20 deceive.

21        40. The willfulness of Defendants' conduct is evidenced by Defendants'  
22 failure to cease their infringing conduct despite being put on notice of Plaintiff's  
23 trademark rights.

24        41. Prior to the filing of this Complaint, Plaintiff's counsel sent a letter to  
25 Defendants advising them of Plaintiff's rights and demanding that Defendants  
26 immediately cease their illegal activities.



42. To date, Defendants have explicitly refused to comply with the letter from Plaintiff's counsel, and, upon information and belief, have not ceased their illegal activities.

### **FIRST CLAIM FOR RELIEF**

#### **FEDERAL TRADEMARK COUNTERFEITING (15 U.S.C. §1114(1))**

43. Plaintiff re-alleges paragraphs 1 through 42 above and incorporates them by reference as if fully set forth herein.

44. Defendants have used and continue to use the DOVE® Mark with the intent and purpose of trading on the extensive goodwill built up by Plaintiff and its predecessors and their licensees in the DOVE® Mark, and to reap the benefits of years of effort and investment by Plaintiff and its predecessors and their licensees to create public recognition of their marks, all with reckless indifference to Plaintiff's rights in the DOVE® Mark.

45. Defendants' use of the DOVE® Mark constitutes use of a counterfeit trademark.

46. Defendants' aforesaid acts further constitute trademark counterfeiting in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1) because Defendants are marketing, distributing and/or selling unauthorized soap and beauty care products bearing the name DOVE in the United States.

47. Upon information and belief, Defendants are selling gray market products not intended by Plaintiff for sale in the United States which are materially different from DOVE® products authorized for sale in the United States by Plaintiff.

48. Defendants' conduct is causing immediate and irreparable injury to Plaintiff, and to its goodwill and reputation, and will continue both to damage Plaintiff and to confuse the public unless enjoined by this Court. Plaintiff has no adequate remedy at law.

**SECOND CLAIM FOR RELIEF**

**FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114(1))**

49. Plaintiff re-alleges paragraphs 1 through 48 above and incorporates them by reference as if fully set forth herein.

50. Defendants' use of a copy, variation, simulation or colorable imitation of Plaintiff's registered DOVE® Mark infringes Plaintiff's exclusive rights in the federally registered DOVE® Mark, is likely to cause confusion, mistake, or deception, and constitutes trademark infringement, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. §1114(1).

51. Upon information and belief, Defendants are selling gray market products not intended by Plaintiff for sale in the United States which are materially different from DOVE® brand products authorized for sale in the United States by Plaintiff.

52. Upon information and belief, Defendants have affixed to the packaging for the Unauthorized Products labels that display Defendants' UPC codes. These UPC labels partially obscure Unilever's DOVE® Mark on the packaging of the products. In addition, Defendants' UPC labels completely obscure Plaintiffs' UPCs on the packs. Alteration of UPC codes in and of itself constitutes trademark infringement.

53. Defendants' conduct is causing immediate and irreparable injury to Plaintiff, and to its goodwill and reputation, and will continue both to damage Plaintiff and to confuse the public unless enjoined by this Court. Plaintiff has no adequate remedy at law.

**THIRD CLAIM FOR RELIEF**

**FEDERAL TRADEMARK DILUTION (15 U.S.C. §1125(C)(1))**

54. Plaintiff re-alleges paragraphs 1 through 53 above and incorporates them by reference as if fully set forth herein.

1           55. The DOVE® Mark is highly distinctive and has become famous and is  
2 uniquely associated with Plaintiff.

3           56. Upon information and belief, Defendants imported, marketed, distributed  
4 and sold the Unauthorized Products, which are materially different from Plaintiff's  
5 authentic DOVE® brand products intended for sale in the United States in disregard  
6 of the United States Food and Drug Administration's labeling requirements.

7           57. Packaging for the Unauthorized Products fails to comply with the Food  
8 and Drug Administration's labeling requirements in, inter alia, mislabeling the  
9 products at issue as "DOVE BAR SOAP," whereas such is both inappropriate and  
10 misleading since DOVE® Beauty Bars and DOVE® Cream Bars are not considered  
11 soap products under the Food and Drug Administration's guidelines and do not meet  
12 the standard for such products in the United States.

13           58. Packaging for the Unauthorized Products fails to provide customers with  
14 the State and ZIP code of a manufacturer or distributor of the Unauthorized Products  
15 in the United States and with the "1-800" customer service telephone number  
16 displayed on DOVE® brand products intended for sale in the United States so that  
17 customers can contact Unilever in the event that a problem or question arises  
18 concerning a DOVE® product.

19           59. Defendants' above-described actions occurred long after the DOVE®  
20 Mark acquired fame, and have diluted, will continue to dilute, and/or are likely to  
21 dilute, unless restrained, the distinctive quality of the famous DOVE® Mark by  
22 destroying the exclusive association between those marks and Plaintiff's goods, and/or  
23 otherwise lessening the capacity of those marks to identify Plaintiff and its goods  
24 exclusively.

25           60. Upon information and belief, Defendants' activities, which have been  
26 neither sponsored, licensed, nor approved by Plaintiff, have tarnished, will continue to  
27 tarnish, and/or are likely to tarnish, unless restrained, the DOVE® Mark by  
28 undermining and damaging the goodwill and reputation associated therewith.



61. Defendants' aforesaid actions are intentional and in violation of Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and have already caused Plaintiff irreparable damage and will, unless restrained, continue to so damage Plaintiff. Plaintiff has no adequate remedy at law.

**FOURTH CLAIM FOR RELIEF**

**STATE STATUTORY UNFAIR COMPETITION**

**(CAL. BUS. & PROF. CODE § 17200)**

62. Plaintiff re-alleges paragraphs 1 through 61 above and incorporates them by reference as if fully set forth herein.

63. Upon information and belief, Defendants were or should have been aware of Plaintiff's prior rights in the registered DOVE® Mark, and Defendants imported, marketed, distributed and sold the Unauthorized Products, which are materially different from Plaintiff's authentic DOVE® brand products intended for sale in the United States in disregard of Plaintiff's prior rights and reputation.

64. Upon information and belief, Defendants have engaged in unlawful practices, unfair methods of competition, and unconscionable, deceptive and unfair trade practices and/or advertising in violation of the California Unfair Competition Act, Cal. Bus. & Prof. Code §17200 et seq.

65. Upon information and belief, Defendants have engaged in fraudulent business acts and/or practices which are likely to have deceived consumers and will continue to deceive consumers unless restrained.

66. Defendants' activities have resulted in the trading upon and misappropriation of Plaintiff's goodwill and business reputation at Plaintiff's expense and at no expense to Defendants. The effect of Defendants' misappropriation of the goodwill symbolized by the DOVE® Mark is to unjustly enrich Defendants, damage Plaintiff and confuse and/or deceive the public.

67. Defendants' conduct constitutes unfair competition with Plaintiff, all of which has caused and will continue to cause irreparable injury to Plaintiff's goodwill and reputation unless enjoined by this Court. Plaintiff has no adequate remedy at law.

#### **FIFTH CLAIM FOR RELIEF**

#### **STATE STATUTORY DILUTION**

#### **(CAL. BUS. & PROF. CODE § 14247)**

68. Plaintiff re-alleges paragraphs 1 through 67 above and incorporates them by reference as if fully set forth herein.

69. Defendants' incorporation and/or use of a copy, variation, simulation or colorable imitation of the famous and distinctive DOVE® Mark has caused and/or is likely to cause dilution of the distinctive quality of the DOVE® Mark and is likely to injure Plaintiff's business reputation.

70. Defendants' incorporation and/or use of a copy, variation, simulation or colorable imitation of the DOVE® Mark in connection with goods not controlled or otherwise subject to Plaintiff's quality control has caused and will likely continue to cause dilution of and/or injury to the reputation of Plaintiff and the DOVE® brands.

71. By reason of the foregoing, Plaintiff is entitled to injunctive relief under Cal. Bus. & Prof. Code §14247.

72. Defendants' conduct has caused and will continue to cause irreparable injury to Plaintiff unless enjoined by this Court. Plaintiff has no adequate remedy at law.

#### **SIXTH CLAIM FOR RELIEF**

#### **COMMON LAW UNFAIR COMPETITION**

73. Plaintiff re-alleges paragraphs 1 through 72 above and incorporates them by reference as if fully set forth herein.

74. Defendants' sale and and/or distribution of the Unauthorized Products which are materially different from Plaintiff's DOVE® brand products authorized for sale in the United States may not conform with United States consumer product laws

1 or regulations for products of this nature and/or may bear labels not printed in English,  
 2 has caused, will cause and/or is likely to cause substantial harm and/or injury to  
 3 Unilever's goodwill and reputation unless enjoined by this Court. Plaintiff has no  
 4 adequate remedy at law.

5 WHEREFORE, Plaintiff demands judgment as follows:

6 1. Preliminarily and permanently enjoining Defendants, their employees,  
 7 agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns,  
 8 and all those in active concert and participation with Defendants from:

- 9 (a) importing, distributing, offering for sale and/or selling  
 10 unauthorized gray market products bearing the DOVE® Mark or  
 11 authorizing any third party to import, distribute, offer for sale  
 12 and/or sell unauthorized gray market products bearing the DOVE®  
 13 Mark;
- 14 (b) making or displaying any statement or representation that is likely  
 15 to lead the public or the trade to believe that Defendants'  
 16 Unauthorized Products are in any manner associated or affiliated  
 17 with or approved, endorsed, licensed, sponsored, authorized or  
 18 franchised by or are otherwise connected with Plaintiff;
- 19 (c) diluting the distinctive quality of Plaintiff's DOVE® Mark;
- 20 (d) engaging in any other activity constituting unfair competition with  
 21 Plaintiff, or constituting an infringement of Plaintiff's DOVE®  
 22 Mark;
- 23 (e) continuing to import, distribute, offer for sale and/or sell  
 24 unauthorized gray market products bearing the DOVE® Mark; and
- 25 (f) aiding, assisting or abetting any other party in doing any act  
 26 prohibited by sub-paragraphs (a) through (e).

27 2. Requiring Defendants to recall immediately any and all Unauthorized  
 28 Products from all of their distributors, retail establishments or wholesale



1 establishments wherever located in the U.S., and to direct all such distributors, retail  
2 establishments or wholesale establishments to cease forthwith the distribution or sale  
3 of any and all Unauthorized Products and to immediately remove such products from  
4 public access.

5 3. Directing that Defendants deliver for destruction all Unauthorized  
6 Products.

7 4. Directing such other relief as the Court may deem appropriate to prevent  
8 the trade and public from deriving the erroneous impression that any product or  
9 service manufactured, sold, distributed, licensed or otherwise offered, circulated or  
10 promoted by Defendants is authorized by Plaintiff or related in any way to Plaintiff's  
11 beauty, skin care and/or personal care products.

12 5. Directing that Defendants file with the Court and serve upon Plaintiff's  
13 counsel within thirty (30) days after entry of such judgment, a report in writing under  
14 oath, setting forth in detail the manner and form in which Defendants have complied  
15 therewith.

16 6. Awarding Plaintiff such damages as it has sustained or will sustain by  
17 reason of Defendants' counterfeiting, trademark infringement, dilution and unfair  
18 competition.

19 7. Awarding Plaintiff all gains, profits, property and advantages derived by  
20 Defendants from such conduct; and pursuant to 15 U.S.C. § 1107, awarding Plaintiff  
21 an amount up to three times the amount of the actual damages sustained as a result of  
22 Defendants' violation of the Lanham Act.

23 8. Awarding Plaintiff exemplary and punitive damages to deter any future  
24 willful infringement as the Court finds appropriate.

25 9. Awarding Plaintiff its costs and disbursements incurred in this action,  
26 including its reasonable attorneys' fees.

27 10. Awarding Plaintiff interest, including pre-judgment interest, on the  
28 foregoing sums.

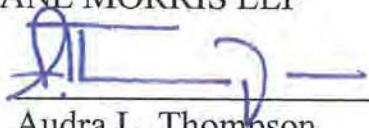
**JURY DEMAND**

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: December 10, 2012

Respectfully submitted,

DUANE MORRIS LLP

By:   
Audra L. Thompson

Gregory P. Gulia(*prospective pro hac vice*)  
Vanessa C. Hew (*prospective pro hac vice*)  
1540 Broadway  
New York, New York 10036-4086  
Telephone: (212) 692-1000  
Facsimile: (212) 692-1020

Attorneys for Plaintiff  
Conopco, Inc. d/b/a Unilever

# Exhibit 1



Int. Cl.: 3

Prior U.S. Cl.: 52

**United States Patent and Trademark Office** **Reg. No. 1,698,261**  
Registered June 30, 1992

**TRADEMARK  
PRINCIPAL REGISTER**



CONOPCO, INC. (NEW YORK CORPORATION),  
DBA LEVER BROTHERS COMPANY,  
390 PARK AVENUE  
NEW YORK, NY 10022

FIRST USE 10-0-1990; IN COMMERCE  
10-0-1990.  
OWNER OF U.S. REG. NOS. 587,722, 1,600,255,  
AND OTHERS.

FOR: BEAUTY WASH; NAMELY, LIQUID  
SOAPS, IN CLASS 3 (U.S. CL. 52).

SN 74-101,810, FILED 10-1-1990.  
LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cl.: 52

**United States Patent and Trademark Office** **Reg. No. 1,699,679**  
Registered July 7, 1992

**TRADEMARK**  
**PRINCIPAL REGISTER**

**DOVE**

CONOPCO, INC. (NEW YORK CORPORATION),  
DBA LEVER BROTHERS COMPANY,  
390 PARK AVENUE  
NEW YORK, NY 10022

FIRST USE 10-0-1990; IN COMMERCE  
10-0-1990.  
OWNER OF U.S. REG. NOS. 587,722, 1,600,255,  
AND OTHERS.

FOR: BEAUTY WASH; NAMELY, LIQUID  
SOAPS, IN CLASS 3 (U.S. CL. 52).

SN 74-101,809, FILED 10-1-1990.  
LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,052,770

**United States Patent and Trademark Office**

Registered Apr. 15, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

LEVER INVESTMENTS CORPORATION  
(DELAWARE CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

OWNER OF U.S. REG. NOS. 746,360, 1,699,679  
AND OTHERS.

SER. NO. 75-114,671, FILED 6-5-1996.

FOR: TOILET BAR SOAP, IN CLASS 3 (U.S.  
CLS. 1, 4, 6, 50, 51 AND 52).  
FIRST USE 12-27-1945; IN COMMERCE  
12-27-1945.

DOMINICK J. SALEMI, EXAMINING ATTOR-  
NEY



**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**Reg. No. 2,413,151**

**United States Patent and Trademark Office**

**Registered Dec. 12, 2000**

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

CHESEBROUGH-POND'S, INC. (DELAWARE CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809 BY MERGER LEVER INVESTMENTS CORPORATION (DELAWARE CORPORATION) WILMINGTON, DE 19809

FOR: DEODORANT AND ANTIPERSPIRANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 11-29-1999; IN COMMERCE 11-29-1999.

OWNER OF U.S. REG. NOS. 746,360, 2,052,770, AND OTHERS.

SN 75-689,955, FILED 4-23-1999.

TRICIA SONNEBORN, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

**United States Patent and Trademark Office**

**Reg. No. 2,517,212**

Registered Dec. 11, 2001

**TRADEMARK  
PRINCIPAL REGISTER**



CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

OWNER OF U.S. REG. NOS. 1,600,255, 2,413,151  
AND OTHERS.

FOR: BEAUTY BAR SOAP, IN CLASS 3 (U.S. CLS.  
1, 4, 6, 50, 51 AND 52).

THE STIPPLING IN THE DRAWING IS FOR  
TONE AND CONTRAST ONLY AND NOT TO  
INDICATE ANY SPECIFIC COLOR.

SER. NO. 76-209,418, FILED 2-13-2001.

FIRST USE 12-1-2000; IN COMMERCE 12-1-2000.

DAVID C. REIHNER, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,534,236

United States Patent and Trademark Office

Registered Jan. 29, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

OWNER OF U.S. REG. NOS. 746,360, 2,453,222 AND  
OTHERS.

FOR: BEAUTY BAR SOAP, IN CLASS 3 (U.S. CLS.  
1, 4, 6, 50, 51 AND 52).

SER. NO. 76-280,777, FILED 7-5-2001.

FIRST USE 12-27-1945; IN COMMERCE 12-27-1945.

DAVID C. REIHNER, EXAMINING ATTORNEY



Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,570,018

Registered May 14, 2002

TRADEMARK  
PRINCIPAL REGISTER



CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

FOR: NON-MEDICATED TOWELETTES IM-  
PREGNATED WITH SKIN CLEANSERS, IN CLASS  
3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 2-4-2001; IN COMMERCE 2-4-2001.

OWNER OF U.S. REG. NOS. 746,360, 2,453,222 AND  
OTHERS.

THE STIPPLING IN THE DRAWING IS FOR  
TONE AND CONTRAST ONLY AND NOT TO  
INDICATE ANY SPECIFIC COLOR.

SER. NO. 76-293,380, FILED 8-1-2001.

DAVID C. REIHNER, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,610,422**

**Registered Aug. 20, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

FIRST USE 12-17-2001; IN COMMERCE 12-17-2001.

OWNER OF U.S. REG. NOS. 746,360, 2,052,770,  
AND OTHERS.

FOR: PRE-MOISTENED NON-MEDICATED COS-  
METIC TOWELETTES FOR ALL OVER BODY  
FRESHENING, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51  
AND 52).

SN 76-062,726, FILED 6-5-2000.

WILLIAM JACOBI, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

**United States Patent and Trademark Office**

Reg. No. 2,764,807

Registered Sep. 16, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

OWNER OF U.S. REG. NOS. 205,770, 1,699,679,  
AND OTHERS.

FOR: NON-MEDICATED TOWELETTES IM-  
PREGNATED WITH SKIN CLEANSERS, IN CLASS  
3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SN 76-138,047, FILED 9-29-2000.

FIRST USE 2-4-2001; IN COMMERCE 2-4-2001.

DAVID C. REIHNER, EXAMINING ATTORNEY



**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,803,161**

Registered Jan. 6, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**DOVE**

CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

FIRST USE 6-30-2003; IN-COMMERCE 6-30-2003.

OWNER OF U.S. REG. NOS. 746,360, 2,534,236,  
AND OTHERS.

FOR: FACIAL SKIN MOISTURIZERS, FACIAL  
SKIN TONER, FACIAL CLEANSERS AND NON-  
MEDICATED CLEANSING PADS IMPREGNATED  
WITH SKIN CLEANSERS, IN CLASS 3 (U.S. CLS. 1, 4,  
6, 50, 51 AND 52).

SN 76-368,311, FILED 2-7-2002.

DAVID C. REIHNER, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,817,975

United States Patent and Trademark Office

Registered Feb. 24, 2004

Amended

OG Date Apr. 27, 2010

TRADEMARK  
PRINCIPAL REGISTER



UNILEVER SUPPLY CHAIN, INC. (DE-  
LAWARE CORPORATION)  
1 JOHN STREET  
CLINTON, CT 06413

FOR: NON-MEDICATED DISPOSABLE  
CLOTHS IMPREGNATED WITH  
CLEANSERS FOR BODY CLEANSING,  
IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51  
AND 52).

FIRST USE 12-17-2001; IN COMMERCE  
12-17-2001.

SER. NO. 76-329,156, FILED 10-24-2001.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 27, 2010.*

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,052,892

Registered Jan. 31, 2006

TRADEMARK  
PRINCIPAL REGISTER

DOVE

CHESEBROUGH-POND'S INC. (DELAWARE  
CORPORATION)  
501 SILVERSIDE ROAD  
WILMINGTON, DE 19809

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: HAIR CARE PRODUCTS NAMELY, HAIR  
SPRAY, HAIR GEL, STYLING CREAM, ANTI-FRIZZ  
CREAM AND MOUSSE, IN CLASS 3 (U.S. CLS. 1, 4, 6,  
50, 51 AND 52).

OWNER OF U.S. REG. NO. 2,765,158.

SER. NO. 76-630,744, FILED 2-8-2005.

FIRST USE 12-15-2004; IN COMMERCE 12-15-2004.

LINDA ESTRADA, EXAMINING ATTORNEY



## **Exhibit 2**

Dove® Skin Care, Hair Care, Body Cleansers, Lotions & Beauty Tips

Dove

BECOME A DOVE INSIDER

Register

Log In



PRODUCTS

TIPS, TOPICS & TOOLS

SOCIAL MISSION

OFFERS

SEARCH



PRODUCTS



Have a  
Favorite?  
Rate it»



MEN+CARE



Help Your  
Football Fan  
Win Big»

NO PURCHASE  
NECESSARY  
See Official Rules

SELF-ESTEEM

Let's Talk:  
Beauty. Confidence.  
Self-Esteem. »



Dove® Asks

What pose do you strike when you're feeling fab?  
Flaunt it with Dove® go sleeveless

HOME

PRODUCTS

Bar/Body Wash  
Deodorant  
Hair  
Lotions  
Men+Care

TIPS, TOPICS & TOOLS

Articles & Advice  
Dove® Science  
Videos  
Games & Quizzes

SOCIAL MISSION

Our Vision  
Self-Esteem Toolkit & Resources  
Your Purchase Counts  
Our Partners

OFFERS

Latest Offers  
Dove Insider

ABOUT DOVE

Store Locator  
Contact Us  
Countries

FOR

HEALTHCARE  
PROFESSIONALS



© 2012 UNILEVER

[Privacy Policy](#)

[Terms of Use](#)

[View Mobile Site](#)

This website is directed only to U.S. consumers for products and services of Unilever United States. This website is not directed to consumers outside of the U.S.

Dove Body Wash & Soap Bars - Microsoft Internet Explorer provided by Duane Morris LLP  
 http://www.doveus.com/products/Bar-Body-Wash/default.asp

United States Patent and ...  
 New York Southern District U.S. District Court • South...  
 Southern District of New ...

PRODUCTS TIPS, TOPICS & TOOLS SOCIAL MISSION OFFERS SEARCH

327 Tweets

**Dove**

BAR/BODY WASH

**Doesn't Your Skin Deserve The Proven Best Care?**

Some body washes can be harsh. Only NEW Dove® Body Wash is specially formulated with our gentlest cleansers ever to provide the proven best care. Learn more about your body wash.

**Most Recommended**

You need to be logged into Facebook to see your friends' recommended activity.

Users Courtney Soap, Shampoo, Deodorant, Conditioner and More - Dove is good to recommended (44)

Users Courtney Soap, Shampoo, Deodorant, Conditioner and More - Dove is good to recommended (44)

250 people recommended this.

NEW The Dove® Creamier Bar Soap

Product Recommender

Get more product suggestions from Dove®.

**Find the Right Product for You**

**BEAUTY BARS**

**H nourishing Care Shea Butter Beauty Bar**

User Rating: ★★★★★  
 A rich blend that cleanses with a nourishing filler.

**White Beauty Bar**

User Rating: ★★★★★  
 Our mildest classic moisturizing cleanser.

**BODY WASH**

**go fresh Cool Moisture Beauty Bar**

User Rating: ★★★★★  
 Light formula with soothing cucumber and green tea.

Internet | Protected Mode: Off  
 11:12 AM 12/10/2012





Dove Deodorant Products From Roll-Ons to Body Mist Sprays - Microsoft Internet Explorer provided by Duane Morris LLP  
<http://www.dove.us/Products/Deodorant/default.aspx>

United States Patent and ...  
 New York Southern District of New ...  
 Southern District of New ...

PRODUCTS TOPICS & TOOLS SOCIAL MISSION OFFERS SEARCH

**Dove**  
 DEODORANT

**Dove** *go sleeveless*  
 Reveal softer, smoother underarms in just 5 days.  
 With unique 24 moisturizers and vitamins E and F, Dove *go sleeveless* goes beyond 48-hour odor and sweat protection to help replenish delicate underarm skin.

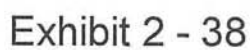
**Most Recommended**  
 You need to be logged into Facebook to see your friends' recent activity.  
 Dove Couperose Soap, Shampoo, Deodorant Couperose and More - Dove  
 16 people recommended this.  
 Dove Couperose Soap, Shampoo, Deodorant Couperose and More - Dove  
 200 people recommended this.  
 My *go* The Dove *go* Campaign for Real Beauty  
 774 W. 200 people recommended this.

**Product Recommender**  
 Get more product suggestions from Dove.

**Find the Right Product for You**

CLINICAL PROTECTION	SOLIDS	BODY MISTS	ROLL-ONS	AEROSOLS
<b>Clinical Protection Anti-Perspirant / Deodorant, Skin Renew</b> User Rating: ★★★★★ Visibly reduces underarm dark spots, evens tone with regular use over time and prevents fading wrinkles.	<b>Clinical Protection, Visibly Smooth Wild Rose</b> User Rating: ★★★★★ Feel smooth skin for longer with the unique clinical formula containing Pro-Epi Complete with natural	<b>Clinical Protection, Visibly Smooth Wild Rose</b> User Rating: ★★★★★ Feel smooth skin for longer with the unique clinical formula containing Pro-Epi Complete with natural	<b>Clinical Protection, Original Clean</b> User Rating: ★★★★★ The strongest protection in our Original Clean scent.	

Internet | Protected Mode Off



Internet Explorer 9.0.8173.10000  
 Address bar: http://www.doveus.com/Products/Hair/default.asp  
 Title: Hair Care Products & Hair Styling Products - Dove - Microsoft Internet Explorer provided by Dove Montis LP

Navigation: Home, Products, Tips, Topics & Tools, Social Mission, Offers, Search

Page: 1 of 1  
 United States Patent and ...  
 Safety  
 Tools

---

**Dove**

HAIR CARE

**Want Touchably Soft, Smooth Hair?**

It all starts with nourishment. Over advanced conditioners designed to restore your hair's natural softness and shine. The hair care products you need are available at Dove.

**Most Recommended**




You need to be logged into Facebook to see your friends' recommendations.

- Dove Courtyard Soap, Shampoo, Deodorant, Conditioner and More - Dove  
10 people recommended this.
- Dove Courtyard Soap, Shampoo, Deodorant, Conditioner and More - Dove  
300 people recommended this.
- Wash & The Dove® Campaign for Real Beauty  
11/11/12 300 people recommended this.

**Product Recommender**

Get more product suggestions from Dove.

**Find the Right Product for You**

SHAMPOOS	CONDITIONERS	TREATMENTS	STYLE-CARE
 Nourishing Oil Care Shampoo User Rating: ★★★★★ A shampoo infused with non-greasy natural oils.	 Revital Shampoo User Rating: ★★★★★ Freshens hair with the nourishing benefits of botanicals and natural oils.	 Intensive Repair Shampoo User Rating: ★★★★★ Intensely reconstructs hair to prevent split ends and breakage.	

© 2012 Dove. All Rights Reserved. www.doveus.com



Hair Care Products & Hair Styling Products - Dove - Microsoft Internet Explorer provided by Duane Morris LLP

http://www.dove.us/Products/Hair/default.aspx

United States Patent and ...

Internet | Protected Mode: Off

11:34 AM 12/10/2012

100%

Home Care Products & Hair Styling Products - Dove

Intensive Repair Shampoo

User Ratings: ★★★★★

Intensely reconstructs hair to prevent split ends and breakage.

Revital Shampoo

User Ratings: ★★★★★

Re-charges hair with the hydrating power of panthenol and lemon.

Nourishing Oil Care Shampoo

User Ratings: ★★★★★

Unique blend with non-greasy, natural oils.

Deeply Nourish for Touchable, Silky-Smooth Hair

Get the Look with Dove's Style+Care™

Lightly Conditions for Smooth, Manageable Hair

NOTE: INFORMATION: RECENTLY VIEWED: SEARCH: ABOUT US: CONTACT US: HELP: PRIVACY POLICY: TERMS OF USE: SITE MAP: FEEDBACK



Moisturizing Hand and Body Lotion from Dove - Microsoft Internet Explorer provided by Duane Morris LLP  
 http://www.doveusa.com/products/lotions/body.htm

Search United States Patent and ...  
 Page Safety Tools

PRODUCTS TIPS, TOPICS & TOOLS SOCIAL MISSION OFFERS SEARCH

**Dove**  
 Care > Products > Lotions

**LOTIONS**




**Indulge Your Skin with Shea Butter**  
 This fast-absorbing body lotion leaves your skin ultra soft, ultra smooth and ultra hydrated.

**Most Recommended**  
 You need to be logged into Facebook to see your friends' recent activity.  
 Dove Coupon: Soap, Shampoo, Deodorant, Cream and More - Dove  
 16 people recommended this.  
 Dove Coupon: Soap, Shampoo, Deodorant, Cream and More - Dove  
 286 people recommended this.  
 The Dove® Campaign for Real Beauty  
 111,111,111 259 people recommended this.

**Product Recommender**  
 Get more product suggestions from Dove.

**Find the Right Product for You**

**BODY LOTIONS**

 <b>Cream Oil Shea Butter Body Lotion</b> User Rating: ★★★★★ Rich Shea butter cream and moisturizing oil.	 <b>Cream Oil Intensive Body Lotion</b> User Rating: ★★★★★ Ultimate moisture for ultra-soft skin.	 <b>pro-age™ Cream Oil Body Lotion</b> User Rating: ★★★★★ Improved cell turnover. Hydration, cell defense, protection in one.
---	---	---

Done

Exhibit 2 - 41

Moisturizing Hand and Body Lotion from Dove - Microsoft Internet Explorer provided by Duane Morris LLP

http://www.doveus/products/lotions/default.aspx




United States Patent and ...

Product Recommender

Get more product suggestions from Dove!

Find the Right Product for You

**BODY LOTIONS**

 <p><b>Cream Oil Shea Butter Body Lotion</b></p> <p>User Rating: ★★★★★</p> <p>Rich Shea butter cream and nourishing oil.</p> <p>Learn More</p>	 <p><b>Cream Oil Intensive Body Lotion</b></p> <p>User Rating: ★★★★★</p> <p>Ultimate moisture for extra dry skin.</p> <p>Learn More</p>	 <p><b>pro-age Cream Oil Body Lotion</b></p> <p>User Rating: ★★★★★</p> <p>Improves cell turnover, hydration, and sun protection in one.</p> <p>Learn More</p>	<p><b>PHILICITS</b></p> <p>Body Cream</p> <p>Body Lotion</p> <p>Body Butter</p> <p>Body Oil</p>	<p><b>100% HYPOALLERGENIC</b></p> <p>Body Cream</p> <p>Body Lotion</p> <p>Body Butter</p> <p>Body Oil</p>	<p><b>SOCIAL RESPONSIBILITY</b></p> <p>Body Cream</p> <p>Body Lotion</p> <p>Body Butter</p> <p>Body Oil</p>	<p><b>ADULT BODY</b></p> <p>Body Cream</p> <p>Body Lotion</p> <p>Body Butter</p> <p>Body Oil</p>	<p><b>FOR HEALTH CARE</b></p> <p>Body Cream</p> <p>Body Lotion</p> <p>Body Butter</p> <p>Body Oil</p>
---	--	--	---	---	---	--	---

Internet Protected Mode Off

11:55 AM 12/10/2012

**Dove**

Google | United States Patent and ... | Page | Safety | Tools

Southern District of New York | New York Southern District | U.S. District Court - South... | SEARCH

PRODUCTS | TIPS, TOPICS & TOOLS | SOCIAL MISSION | OFFERS

Log In | Recommendations | Tweet | Print

## MEN+CARE

### Skin Care Built In

Hair Dove® Men+Care® Fresh Aftershave and Clean Defense Etc., Washes are clinically proven to fight skin dryness faster than regular men's body wash.

**Most Recommended**

- You need to be logged into Facebook to see your friends' activity.
- Use Coupon! Soap, Shampoo, Deodorant, Coupons and More - Dove To people recommended this.
- Use Coupon! Soap, Shampoo, Deodorant, Coupons and More - Dove 200 people recommended this.
- Get The Dorex Campaign for Real Beauty TV at 200 people recommended this.

**Product Recommender**

Get more product suggestions from Dove!

### Find the Right Product for You

DEODORANT	BODY & FACE WASH	BODY & FACE BAR	SHOWER FOAMS
<b>Men+Care Clean Comfort Antiperspirant / Deodorant</b> User Rating: ★★★★★ Powerful 24-hour protection for men without complications	<b>Men+Care Clean Comfort Deodorant</b> User Rating: ★★★★★ Powerful 24-hour color protection for men without irritation	<b>Men+Care Extra Fresh Antiperspirant / Deodorant</b> User Rating: ★★★☆☆ Scented powerful 24-hour protection for men without complications	

Exhibit 2 - 43







Audra L. Thompson (SBN 218479)  
 DUANE MORRIS LLP  
 865 S. Figueroa Street, Suite 3100  
 Los Angeles, CA 90017-5450  
 Telephone: (213) 689-7400

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

CONOPCO, INC. d/b/a UNILEVER,

PLAINTIFF(S)

v.

P.E. RUBALOFF CO., INC., KAREN RUBALOFF  
 and PHILLIP RUBALOFF

DEFENDANT(S).

CASE NUMBER

**CV12-10591**

PJW

**SUMMONS**

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Audra L. Thompson, whose address is Duane Morris LLP, 865 S. Figueroa St., Suite 3100 Los Angeles, CA 90071. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DEC 11 2012

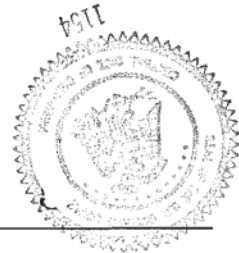
Dated: \_\_\_\_\_

Clerk, U.S. District Court

**JULIE PRADO**

By: \_\_\_\_\_  
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> Conopco, Inc. d/b/a Unilever	<b>DEFENDANTS</b> P.E. Rubaloff Co., Inc., Karen Rubaloff and Phillip Rubaloff
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Audra L. Thompson (SBN 218479) Duane Morris LLP 865 S. Figueroa St., Suite 3100, Los Angeles, CA 90071-5450	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input checked="" type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
---	---	--	---	---	--	---

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No     **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Federal trademark dilution, trademark infringement, unfair competition, deceptive trade practices, dilution and injury to business reputation, et. al.

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
---	--	--	---	--	--

CV12-10591

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Bergen County, New Jersey

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**  **Date** December 10, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))